

NORTH - WEST TERRITORIES.



No. 9 of 1878.

An Ordinance respecting Marriages.

[PASSED 2ND AUGUST, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

I. The ministers and clergymen of every church and religious denomination, duly ordained and appointed according to the rites and ceremonies of the churches and denominations to which they respectively belong, and resident in the North-West Territories, by virtue of such ordination or appointment and according to the rites and usages of their own respective churches or denominations, and Justices of the Peace in and for the said Territories, by virtue of their office, may solemnize marriage between any two persons not under a legal disqualification to contract such marriage

II. After the coming into force of this Ordinance no Justice of the Peace shall solemnize marriage unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor; and no minister or clergyman shall solemnize marriage unless authorized so to do by license of the Lieutenant-Governor as aforesaid, or unless the intention of the two persons, by publication of banns, to intermarry, has been proclaimed at least once openly and in an audible voice on a Sunday in some public religious assembly : provided, that in case of a minister or clergyman being remote from any issuer of marriage licenses, or finding that there is some reasonable inconvenience or objection to publish such banns, on satisfying himself that there is no impediment by reason of affinity, consanguinity, pre-contract, or other lawful cause to the proposed marriage, he may celebrate the marriage, and thereupon shall insert in

the certificate of marriage hereinafter required words to the following effect :

“ And I further certify that previous to performing such marriage I fully satisfied myself that there was no legal impediment to the said parties intermarrying.”

III. Marriage licenses shall be in the Form “A” at the end of this Ordinance, and shall be supplied from the office of the Lieutenant-Governor to such persons as he may from time to time appoint to issue the same to applicants for such licenses.

IV. Every license executed under the hand and seal of the Lieutenant-Governor shall be and remain valid notwithstanding the Lieutenant-Governor who signs the same has ceased to hold office before the time of its issue.

V. Every issuer of marriage licenses shall sign each license as the same is issued by him.

VI. Before a license is granted by any issuer, one of the parties to the intended marriage shall personally make an affidavit before him to the effect of the Form “B” at the end of this Ordinance.

VII. In case the issuer has knowledge or reason to suspect that any of the statements in the affidavit of any applicant for a marriage license are not correct, the said issuer shall require further evidence to his satisfaction before issuing the license ; and a copy of all such affidavits and evidence shall be placed on file in his office.

VIII. The father, if living, of any person under twenty-one years of age (not being a widower or widow), or if the father is dead, then the mother of the minor, or if the mother is dead, then the lawfully appointed guardian or the acknowledged guardian who may have brought up or for three years immediately preceding the intended marriage supported or protected the minor, shall have authority to give consent to such marriage.

IX. Every issuer of marriage licenses shall, on the first days of January and July in each year, make a return to the Lieutenant-Governor of all licenses issued by him during the preceding six months, with the names of the parties to whom issued, and shall accompany such return with the original affidavit taken in each instance ; and whenever called upon,

return to the Lieutenant-Governor all unissued licenses, the property of which shall remain vested in Her Majesty.

X. All marriages shall be solemnized in the presence of two or more credible witnesses besides the minister, clergyman or Justice of the Peace performing the ceremony; and every person solemnizing a marriage shall keep duplicate certificates of the same in the Form "C" at the end of this Ordinance, one of which duplicates he shall retain, and the other he shall on or before the first day of January or July, whichever shall first thereafter occur, transmit to the Registrar of Deeds in and for the North-West Territories. He shall also, on request of either of the parties to any marriage, give him or her a copy of such certificate.

XI. The Clerk of the Council shall, on application, supply printed forms for complying with the provisions of the next preceding section.

XII. The Registrar of Deeds in and for the North-West Territories shall keep and file in his office all returns of marriages made to him under the provisions of this Ordinance. He shall also record the same in a book specially kept for that purpose; and for performing such services the Registrar shall be entitled to receive from and out of the general revenue of the Territories the sum of fifty cents for each record. He shall also, on application of any party, furnish a copy of the record of any certificate of marriage in his office on receiving fifty cents: which said copy certified by such Registrar under his hand and seal, shall be received as *prima facie* evidence of the marriage named therein by all parties administering justice in the Territories.

XIII. There shall be payable to every issuer of marriage licenses on the issue of each license by him the sum of three dollars, of which such issuer shall be entitled to retain one dollar as his fee; the remainder he shall pay over to the Lieutenant-Governor to form part of the revenue of the Territories, with each return made by such issuer.

XIV. Any person issuing a marriage license without being authorized by the Lieutenant-Governor on that behalf, and any issuer of licenses granting a license without first obtaining the affidavit required by this Ordinance, and any person celebrating a marriage after the first day of January, one thousand eight hundred and eighty, contrary to the provisions of section two

of this Ordinance, shall respectively, on summary conviction before a Stipendiary Magistrate, for every such contravention forfeit and pay a fine not exceeding one hundred dollars.

XV. No minister, clergyman, or Justice of the Peace who performs a marriage in conformity with the provisions of section two of this Ordinance, shall be subject to any action or liability for damages or otherwise, by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment.

Forms referred to in the foregoing Ordinance.

FORM A. (Vide Section 3.)

CANADA.
NORTH-WEST TERRITORIES. }

Lieutenant-Governor.

[L.S.]

These are to certify that A. B., of _____ and C. D., of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A. B. (or C. D.) has made oath that he (or she) believes that there is no affinity, consanguinity, pre-contract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

And these are therefore to certify that the requirements in this respect of the Ordinance respecting marriages have been complied with.

Issued at _____ in the North-West Territories, this _____ day
of _____ A D. 18 _____

.....
Issuer of Licenses.

FORM B. (Vide Section 6.)

I, A. B., } Bachelor (or Widower)
or
C. D. } Spinster (or Widow)

make oath and say as follows:

1. I and C. D. (or A. B.) of _____ } Spinster (or Widow)
} Bachelor (or Widower)
are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at _____

2. According to the best of my knowledge and belief there is no affinity, consanguinity, pre-contract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I am of the age of _____ years, and the said C. D. (or A. B.) is of the age of _____ years.

4. [In case one of the parties is under the age of twenty-one years, add]

E. F., of _____ is the person whose consent to said marriage is required by law, and the said E. F. has formally consented to the said marriage.

[Or if both parties are under age]

E. F., of _____ and G. H., of _____ are the persons whose consent to the said marriage is required by law, and the said E. F. and G. H. have formally consented to the said marriage.

[Or if in the case of one of the minors there is no person whose consent is required by law, add according to the facts.]

The father of the said C. D. (or A. B.) is dead, and the mother of the said C. D. (or A. B.) is dead, and the said C. D. (or A. B.) having no lawfully appointed or acknowledged guardian, there is no person who has authority to give consent to the said marriage.

[In case both the parties are minors and there is no person whose consent is required by law, add a similar statement concerning the other party, according to the facts.]

(Signed)

Or A. B.
C. D.

Sworn before me at _____
in the North-West Territories, this _____ }
day of _____ A.D. 18 _____ }

(Signed)
Issuer of Licenses.

FORM C. (Vide Section 10.)

CANADA.—NORTH-WEST TERRITORIES.

Names of Parties.	Whether Bachelor or Widower, Spinster or Widow.	Ages.	Residence.	Birthplace, if known.	By License, Banns, or otherwise.	Names of Witnesses.

I hereby certify that the above named parties were married by me this day in the presence of the above named witnesses.

We the undersigned witnessed the union by marriage of the above named parties. } Dated at..... in the North-West Territories, this..... day of..... A.D. 18.... }
..... }
..... } (Minister, Clergyman, or Justice of the Peace.)

Certified a true copy.

W. B. Rye

C. C. H. W. T.